

1 HONORABLE RONALD B. LEIGHTON  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

9 AARON WILLIAMS, et al.,  
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Plaintiffs,

v.

PILLPACK LLC,

Defendant.

CASE NO. C19-5282RBL

ORDER DENYING MOTION TO  
STAY

14 THIS MATTER is before the Court on PillPack's Motion to Stay the case pending the  
15 United States Supreme Court's decision in *Facebook Inc. v. Duguid*, No. 19-511, 2020 WL  
16 3865252 (U.S. July 9, 2020) [Dkt. # 40]. Williams' Motion to Certify the Class [Dkt. # 29] has  
17 been filed but is not yet before the Court.

18 PillPack claims that *Duguid* may alter the viability of some of Plaintiff Williams' claims.  
19 Williams opposes a stay, arguing that his class is based on calls made using an ATDS or an  
20 *artificial or prerecorded voice* without his consent.

21 The Court previously stayed a similar TCPA class action, awaiting SCOTUS's decision  
22 in *Barr v. Am. Ass'n of Political Consultants, Inc.*, 140 S. Ct. 812 (2020) ("AAPC"). See *Lacy v.*  
23 *Comcast*, Cause No. 19-cv-5007 RBL, Dkt. # 70.

But AAPC posed more of a threat to the viability of Lacy and Williams' class actions—it posed an existential threat to the TCPA itself—than does *Duguid*. As Williams argues (and PillPack concedes), at least some of his claims will survive, regardless of the outcome of *Duguid*. This Court recently denied Comcast's similar, second Motion to Stay in *Lacy*. For the same reasons, this Court will not stay this case on the chance the Supreme Court might in the future hobble a portion of Williams' claims.

The Court will not stay this TCPA class action pending the Supreme Court's *Facebook Inc. v. Duguid* decision. PillPack's Motion to Stay [Dkt. # 40] is **DENIED**.

IT IS SO ORDERED.

Dated this 13th day of August, 2020.

Ronald B. Leighton